

House File 144

HOUSE FILE _____
BY TYMESON _____

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county attorney representation of township
2 trustees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2000HH 82
5 eg/je/5

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1 1 Section 1. Section 331.756, subsection 64, Code 2007, is
1 2 amended to read as follows:
1 3 64. Represent the township trustees in ~~counties having a~~
~~1 4 population of less than twenty-five thousand~~ the county except
1 5 when the interests of the trustees and the county are adverse
1 6 as provided in section 359.18.
1 7 Sec. 2. Section 359.18, Code 2007, is amended to read as
1 8 follows:
1 9 359.18 COUNTY ATTORNEY AS COUNSEL.
1 10 In ~~counties having a population of less than twenty-five~~
~~1 11 thousand, a county~~ where the trustees institute, or are made
1 12 parties to, litigation in connection with the performance of
1 13 their duties, as provided in this chapter, the county
1 14 attorney, as a part of the county attorney's official duties,
1 15 shall appear in behalf of the township trustees, except in
1 16 cases in which the interests of the county and those of the
1 17 trustees are adverse.
1 18 Sec. 3. Section 359.19, Code 2007, is amended to read as
1 19 follows:
1 20 359.19 EMPLOYMENT OF COUNSEL.
1 21 When litigation shall arise in any case ~~not covered by~~
~~1 22 section 359.18 in which the interests of the county and those~~
~~1 23 of the trustees are adverse~~, involving the right or duty of
1 24 township trustees with reference to any matter within their
1 25 jurisdiction, and the trustees become or are made parties to
1 26 such litigation, they shall have authority to employ attorneys
1 27 in behalf of ~~said the~~ township, and to levy the necessary tax
1 28 to pay for their services, and to defray the expenses of such
1 29 litigation.

EXPLANATION

1 31 This bill requires that, in every county, the county
1 32 attorney represent the township trustees except when the
1 33 interests of the county and those of the trustees are adverse.
1 34 Under current law, in a county having a population of more
1 35 than 25,000, the county attorney is not required to represent
2 1 the trustees, and, pursuant to Code section 359.19, the
2 2 trustees may employ a private attorney and levy a tax to pay
2 3 for the legal services.
2 4 LSB 2000HH 82
2 5 eg:sc/je/5